IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

W.P.Nos.21073 of 2000, 21143 OF 2000 & 24862 of 2000

W.P.No : 21073 of 2000:

Between:

Dr.Ch.Balaramulu, S/o.Venkatram Narasaiah, 50 yrs.,

Occ: Professor, PublicAdministration, R/0.H.No.2-24, Nirmal Town,

Adilabad District

.. Petitioner

AND

Kakatiya University, Warangal, rep. By

Its Registrar, Warangal

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of Mandamus, declaring the action of the respondent in accepting the report of the Kokate Committee and the Resolution dated 1.3.1997 of the Executive Committee of the respondent as communicated in Circular No.1044/A2/KU/1997, dt.1.11.1997 by the respondent declaring inapplicability of the resolution to the teachers appointed exclusively for P.G. Colleges outside Warangal by mentioning it in the advertisement as arbitrary and illegal and the subsequent constitution of the fresh Committee communicated in Procgs. No.756/A2/KU/1999/467, dated 26.5.1999 to evolve uniform transfer policy as arbitrary and illegal and consequently declare that

the Professors appointed in P.G. Colleges of the respondent outside Warangal are eligible to be transferred to University Campus or Constituent Colleges at Warangal

Counsel for the Petitioner: MR.S.ASHOK ANAND KUMAR

Counsel for the Respondent: MR.B.NARAYANA REDDY

The Court made the following :

WRIT PETITION NO : 21143 of 2000

Between:

Prof: M.Rajagopalachary, S/o.Srinivasachary,

47 years, Occ: Professor, R/o.Nirmal Town, Adilabad District

..... PETITIONER

AND

Kakatiya University, Warangal, rep. by its

Registrar, Warangal

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly a writ in the nature of Mandamus, declaring the action of the respondent in accepting the report of the Kokate Committee and the resolution, dt.1.3.1997 of the Executive Committee of the Respondent University as communicated in Circular No.1044/A2/KU/1997, dt.1.11.1997 by the respondent declaring the inapplicability of the resolution to the Teachers appointed exclusively for P.G. Colleges outside Warangal by mentioning it in the advertisement as arbitrary and illegal and the subsequent constitution of the fresh Committee communicated in Procgs. No.756/A2/KU/1999/467, dt.26.5.1999 to evolve uniform transfer policy as arbitrary and illegal and consequently declare that the professors appointed in P.G. Colleges of the respondent outside Warangal are to be transferred to University Campus or Constituent Colleges at Warangal.

Counsel for the Petitioner: MR.S.ASHOK ANAND KUMAR

Counsel for the Respondent: MR.B.NARAYANA REDDY

The Court made the following :

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WRIT PETITION NO : 24862 of 2000

Between:

Dr.Mrs. N.Vijaya, W/o.Sri T.R.Narayan Chander, 45 yrs.,

Occ: Professor, R/o.Hanamkonda, Warangal

..... PETITIONER

AND

Kakatiya University, Warangal rep. by its

Registrar, Warangal

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly a writ in the nature of Mandamus declaring the action of the respondent in accepting the report of Kokate Committee of the resolution dt.1.3.1997 of the Executive Committee of the respondent University as communicated in Circular No.1044/A2/KU/1997, dt.1.11.1997 by the respondent, declaring the inapplicability of the resolution to the teachers appointed exclusively for P.G.College outside Warangal by mentioning it in the advertisement as arbitrary and illegal and the subsequent constitution of the fresh committee communicated in Procgs. No.756/A2/KU/1999/467, dt.26.5.1999 to

evolve uniform transfer policy as arbitrary and illegal and consequently declare that the Professors appointed in P.G. colleges of the respondent outside Warangal are eligible to be transferred to University Campus or constituent colleges at Warangal.

Counsel for the Petitioner: MR.S.ASHOK ANAND KUMAR

Counsel for the Respondent: MR.B.NARAYANA REDDY

The Court made the following :

COMMON ORDER:

These writ petitioners raise common questions of fact and law, and accordingly, they are dealt with by a common order.

The writ petitioners were initially appointed as Lecturers and presently they are working as Professors in Kakatiya University. They have filed the writ petitions to declare the action of the respondents in accepting the report of the Kokate Committee and the Resolution, dated 1.3.1997 of the Executive Committee of the Respondent University as communicated in the Circular, dated 11.11.1997 by the University declaring the inapplicability of the Resolution to the Teachers appointed exclusively for P.G. Colleges outside Warangal by mentioning it in the advertisement as arbitrary, illegal and to declare that the Professors appointed in the P.G. Colleges of the respondent-University outside Warangal are eligible to be transferred to the University Campus or constituent colleges at Warangal.

Along with the writ petitions, the petitioner in W.P.No.21073 of 2000 filed W.P.M.P.No.26790 of 2000, the petitioner in W.P.No.21143 of 2000 filed W.P.M.P.26876 of 2000 and the petitioner in W.P.No.24862 of 2000 filed W.P.M.P.No.31712 of 2000 to consider their cases for transfer from the University P.G. College, Nirmal to the University Campus or the Constituent Colleges at

Warangal without reference to the Circular, dated 11.11.1997 of the respondent and the said applications were rejected on the ground that the petitioners are not entitled to such transfers until they succeed in their respective writ petitions.

The petitioner in W.P.No.21073 of 2000 filed W.P.M.P.No.14650 of 2004 and the petitioner in W.P.No.21143 of 2000 filed W.P.M.P.No.14651 of 2004 stating that certain candidates have been transferred from University P.G. College, Nirmal to the University College at Warangal. The University appointed a Committee under the Chairmanship of Professor S.M.Reddy to evolve a universal transfer policy to all the Teachers in Kakatiya University in general and District P.G. Colleges in specific. The said committee under the Chairmanship of P.Venkat Reddy, vide its report, dated 5.2.2002 recommended the transfers of the teachers of the District P.G. Colleges to the Constituent Colleges of the University at Warangal in the existing vacancies. The Executive Council in its 41st meeting held on 23.9.2002 perused the report of the Committee headed by P.Venkat Reddy and directed the University to prepare a specific policy of transferring the teachers to the P.G. Colleges outside Warangal for at least one academic year on rotation basis as per Item No.41.23 of Kakatiya University Orders No.1052/A1/KU/2003, dated 3.10.2002. But, the respondent has not taken any action to the said representations and the Executive Council of the respondent -University in its 52nd meeting held on 12.3.2004 resolved a principle to evolve a policy of transfer of permanent teachers from University Colleges at Warangal to P.G. Colleges outside Warangal District and vice-versa. The Executive Council constituted a High-power committee on 5.2.2002 under the Chairmanship of Prof. P.Venkat Reddy who was also the chairman of the earlier committee on transfers. The committee so constituted, passed certain resolutions resolving to recommend the transfer of teachers working in P.G. Colleges outside Warangal District to the Constituent Colleges of the University at Warangal in the existing vacancies. Though resolution was passed, the committee did not

submit its report. It is stated that all the petitioners in these writ petitions filed their representations on 21.6.2004 seeking their transfer to the University Campus or Constituent Colleges.

The learned counsel appearing for the petitioners submitted that though the petitioners earlier filed writ petitions for similar reliefs, which are claimed in the present writ petitions, in view of the subsequent recommendations and change in the policy of transfer, they restrict their relief only to the representations made by them before the respondent-authority and to consider and dispose of the same, which will meet the ends of justice.

Having regard to the facts and circumstances of the case, these writ petitions are disposed of directing the respondent-University to consider and dispose of all the representations filed by the petitioners and pass appropriate orders in accordance with the decision of the policy of transfer adopted by the University and pass appropriate orders within six weeks from the date of receipt of a copy of this Order. No costs.

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(V.ESWARAIAH,J.)

17th August, 2004

Bcj/tjs

To

1 The Registrar, Kakatiya University, Warangal,

2 Two C.Cs. to the Government Pleader for Higher Education, High Court Buildings, Hyderabad (OUT)

3 Two C.D. copies